

## WATER COUNCIL MEETING

NH Dept. of Environmental Services  
29 Hazen Dr., Concord, N.H.

June 13, 2012  
8:00 a.m.

**Members present:** Chairman Gilbert, Councilors Butler, Gosse, Henderson, Hinds, Hoyt, Rastallis Rawnsley, and Varotsis

**Members absent:** Councilors Lyons

Chairman Gilbert called the meeting to order at 10:10 a.m.

### 1. Approval of Minutes of the May 9, 2012 Meeting

- ***Motion made by Councilor Butler to approve the minutes, second by Councilor Gosse. Motion passed unanimously. Councilors Henderson, Rawnsley, and Varotsis abstained.***

### 2. Status of Appeals

Appeals Clerk, Paula Scott, presented an update on the following appeals:

#### I. New Appeals

##### **Docket No. 12-06 WC – JKS Construction Appeal**

Re: 2/21/12 Denial for AoT Application #110201-12

Hearing Officer: Not assigned

Status: 3/21/12 received Notice of Appeal. 3/23/12 sent insufficient appeal letter. 4/23/12 received revised Notice of Appeal. 4/24/12 sent receipt of appeal letter. Revised appeal does not have statutory provision under which the relief is sought. Council to accept or decline appeal at 5/9/12 meeting. Council declined to accept the appeal as there was no statutory provision stated for which relief was sought. Notice issued May 10, 2012.

#### II. Decision and Orders that need to be written finalized and issued.

#### III. Hearings or PHCs Pending

##### **Docket No. 11-08 WC David Riley, et al.**

Re: Lake Waukegan Final Operating Level

Presiding Officer: David Conley assigned on 1/19/12

Recused: Carol Henderson

Status: Hearing scheduled for February 8, 2012 at 9 a.m. per Pre-Hearing Order (PHO). Nov. 16, 2011 received Assented-to Motion for a Continuance. Decision for 8 Petitioners to Intervene and decision on Motion for Continuance were issued on Nov. 28, 2011. New hearing date set for April 11, 2012 at 9 a.m., notice given in Decision dated Nov. 28, 2011. January 25, 2012 received a Fully Assented-To Motion for Interim Deadline Extension. Feb. 16, 2012 received Appellants' expert Disclosure. Motion for Interim Deadline Extension was granted & issued on Feb. 17, 2012. Mar. 9, 2012 received withdrawal of 2 interveners (Brian & Pamela Langille). Mar. 19, 2012 Appellant, DES and Intervenors filed Witness and Exhibit Lists. Mar. 30, 2012 received Partial Objection to Intervenors' Witness and Exhibit List.

Apr. 6, 2012 issued order granting Objection. Hearing was held April 11, 2012. Deliberations were not held on May 9, 2012 as one of the council members was not able to participate; deliberations were rescheduled for today, June 13, 2012 at 9 a.m.

**Dockets No. 09-05 & 12-01 WC – Dalton Valley Drag, LLC and David Sundman, et al.**

Re: 12/19/11 Alteration of Terrain Permit No. AoT-0353 for Dalton Valley Drag

Hearing Officer: David Conley assigned on 2/9/12

Status: Received appeal that appears to be timely on January 18, 2012. Issued receipt of appeal letter on January 20, 2012. Council accepted the appeal Feb. 8, 2012, notice was issued Feb. 9, 2012. Feb. 21, 2012 received Appellant's first request for information from applicant. Pre-Hearing Conference (PHC) is scheduled for Apr. 16, 2012 at 1 p.m., notice sent 3/13/12. Mar. 20, 2012 received Motion to Continue PHC. Mar. 26, 2012, Motion was granted. Rescheduled PHC for May 2, 2012 at 9 a.m., notice given Mar. 27, 2012. At the Council's 4/11/12 meeting, the Council voted to consolidate appeal Docket Nos. 09-05 WC – North Country Alliance for Balanced Change and 12-01 WC David Sundman, et al. Notice of the consolidated appeals and PHC were issued April 12, 2012; 4/19/12 received Appearance of Allen Brooks for Docket No. 12-01 WC. 4/20/12 received Withdrawal of Interveners Counsel in Docket No. 09-05 WC. PHC was held on 5/2/12, a second PHC is scheduled for Aug. 27, 2012 @ 9 a.m., and a hearing is scheduled for Sept. 12, 2012 @ 10 a.m. Notice given 5/2/12 via PHO.

**Docket No. 12-05 WC Fillmore Industries**

RE: Feb. 14, 2012 Administrative Order No. 12-005 WD

Presiding Officer: Not Assigned. Requested Hearing Officer on 4/13/12

Status: Appeal was filed on Mar. 15, 2012. Receipt of Appeal letter was issued on 3/15/12. Mar. 13, 2012 appeal accepted letter was issued. PHC is scheduled for June 20, 2012 at 9 a.m., notice issued May 30, 2012.

**IV. Inactive/Status Letter or Pending Settlement/Withdrawal**

**Docket No. 11-05 WC – Town of Hooksett and Hooksett Sewer Commission**

RE: 3/21/11 Administrative Order, Administrative Order No. 11-010 WD

Presiding Officer: Not Assigned

Recused: Christopher Rawnsley

Status: On May 11, 2011 the Council voted unanimously to accept appeal. The Town and DES continue to be engaged in discussion to resolve this matter. Both the Town and DES request that the Council continue to delay taking action on the Notice of Appeal. Letter requesting status will be sent.

**3. New Business**

Brandon Kernen, Drinking Water Ground Water Bureau

Brandon gave a brief overview of drought management in NH. This was given to the Governor and Council last month. Drought conditions have improved and the forecast is for sufficient precipitation for the rest of the summer. NH gets an average of 3 – 4 inches of rain per month.

**4. Other Business**

Chairman Gilbert

Water Sustainability Commission Update – now working on the form of the deliverable for its possibility of this council to carry on this work. The Council was interested in becoming involved. July 9<sup>th</sup> another public session for water professionals will be held. Preliminary

Summary does underline people in the state are concerned about water in the state. Need to build public awareness. Costs for water are not reflective of the actual value.

Env-Dw 503 and 504 - Public Water Systems

Draft rules were presented by Deborah Sonderegger and Chip Mackey of the Drinking Water Bureau. Questions and answers were shared.

- ***Councilor Rawnsley made a motion to accept these rules, second by Councilor Butler. Motion passed unanimously with Councilor Henderson abstaining.***

**4. Legislative Update**

Assistant Director Pelletier

The DES 2012 Session Bills of Interest was distributed and reviewed by Assistant Director Pelletier.

**5. Next Meeting**

July 11, 2012 at 9 a.m.

**6. Adjournment**

- ***Councilor Varotsis made a motion to adjourn, second by Councilor Rawnsley. Motion passed unanimously.***

Meeting was adjourned at 11:35 a.m.